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8 Attorneys for United States of America

10 UNITED STATES MAGISTRATE COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 10-0642 RS

14 Plaintiff, )

15 v. )

16 CHRISTOPHER NAPOLI, ) STIPULATION REGARDING SPEEDY  
DANIEL JOHNSON, ) TRIAL ACT AND [PROPOSED] ORDER

17 SALVATORE LAMORTE, )

STEVEN PAUL, )

18 JEFFREY ENTEL, )

a/k/a "Yeury Amarante," "Jerry  
Amarante," )

JOSEPH CAROZZA, )

20 JEFFREY HERHOLZ, )

DARRELL CREQUE, )

21 MICHAEL ARNOLD, )

a/k/a "Mike Johnston," )

22 DIEGO PODOLSKY PAES, )

a/k/a "Juan Montes," and )

23 DINO ANTONIONI, )

Defendants. )

24 )

25 )

26 )

27 )

28 )

1       On September 22, 2010, defendants Napoli, Johnson, Entel, Herholz, and Arnold  
2 appeared before the Court, and on September 23, 2010, defendants Lamorte, Carozza, Creque,  
3 and Antonioni appeared before the Court. Both appearances were for arraignment, identification  
4 of counsel and issues regarding bond. Discovery has not yet been provided to the defendants  
5 pending issuance of a protective order. The case is complex in that it involves eleven defendants  
6 charged in thirteen counts with three conspiracies spanning a period of five years. The Court set  
7 an initial appearance date of November 2, 2010 before the Honorable Richard Seeborg to provide  
8 counsel for the United States with the opportunity to produce discovery and to provide counsel  
9 for the defendants with the time necessary to review discovery and determine how to effectively  
10 defend the case.

11       With the agreement of the parties, and with the consent of the defendants, the Court  
12 enters this order documenting the exclusion of time under the Speedy Trial Act from September  
13 22, 2010, through November 2, 2010, due to the complexity of the case and for effective  
14 preparation of defense counsel, under 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(ii) & (iv).

15       The parties agree, and the Court finds and holds, as follows:

16       1. The defendants agree to the exclusions of time under the Speedy Trial Act from  
17 September 22, 2010, through November 2, 2010, based upon the complexity of the case and the  
18 need for effective preparation of defense counsel.

19       3. Counsel for the defendants believe that the exclusion of time is in their clients' best  
20 interest.

21       4. Given these circumstances, the Court finds that the ends of justice served by excluding  
22 the period from September 22, 2010, through November 2, 2010, outweigh the best interest of  
23 the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

24       5. Accordingly, and with the consent of the defendants, the Court orders that (1) the  
25 defendants shall appear before the Honorable Richard Seeborg on November 2, 2010 at 10:00  
26 a.m. for an initial appearance; (2) the period from September 22, 2010, through November 2,  
27 2010, shall be excluded from Speedy Trial Act calculations under 18 U.S.C. §3161 (h)(7)(A),  
28 (h)(7)(B)(ii) & (iv).

1 STIPULATED:

3 DATED: October 1, 2010

/s  
KIRSTIN M. AULT  
Assistant United States Attorney

5 DATED: October 1, 2010

/s  
CHRISTOPHER CANNON  
Attorney for Defendant Napoli

7 DATED: October 1, 2010

/s  
DAVINA PUJARI  
Attorney for Defendant Johnson

9 DATED: October 1, 2010

/s  
VICTOR AFANADOR  
Attorney for Defendant Lamorte

11 DATED: October 1, 2010

N/A  
Attorney for Defendant Paul

13 DATED: October 1, 2010

/s  
ISMAEL RAMSEY  
Attorney for Defendant Entel

15 DATED: October 1, 2010

/s  
JOSH COHEN  
Attorney for Defendant Carozza

17 DATED: October 1, 2010

/s  
SETH CHAZIN  
Attorney for Defendant Herholz

19 DATED: October 1, 2010

/s  
GEOFFREY ROTWEIN  
Attorney for Defendant Creque

21 DATED: October 1, 2010

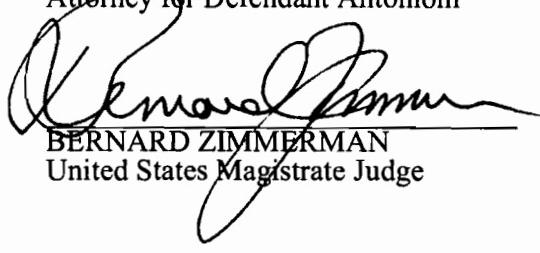
N/A  
EDWARD SWANSON  
Attorney for Defendant Arnold

23 DATED: October 1, 2010

/s  
MICHAEL SHEPARD  
Attorney for Defendant Antonioni

25 IT IS SO ORDERED:

26 DATED: 18 Oct 2010

  
BERNARD ZIMMERMAN  
United States Magistrate Judge